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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,322	09/29/2003	Shoichi Kan	1232-5166	5284
27123	7590	08/04/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			LIANG, LEONARD S	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

4-1

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/675,322	KAN ET AL.
	Examiner Leonard S. Liang	Art Unit 2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 4-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 4-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 May 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

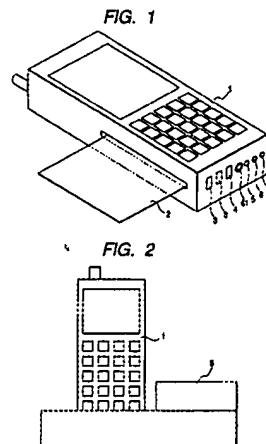
A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-5, 9-11, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ando (US Pat 6742887).

Ando discloses:

- {claim 1} An image forming apparatus (figure 1-2); a battery for driving the image forming apparatus, charging means for charging the battery (figure 1, reference 3; figure 2, reference 8; column 4, lines 20-34); wherein the image forming apparatus is containable in a separate container stand such as a place stand, and the battery is charged by containing the image forming apparatus in the container stand when not used, and wherein the battery is chargeable if the image forming apparatus is contained in the container stand in a predetermined direction or in a direction opposite to the predetermined direction (figure 2, reference 8; column 4, lines 20-34)



- {claims 4 and 11} wherein the battery and the charging means are incorporated in a charging device structured to be attachable to and detachable from the image forming apparatus, and the charging of the battery is conducted by containing in the container stand the charging device in the status of being mounted on the image forming apparatus (column 2, lines 30-67)
- {claim 5} wherein on the backside of the charging device, the contact point portion is provided, and the contact terminal portion is provided for the container stand, and the contact point portion and the contact terminal portion are electrically connected by containing the image forming apparatus having the charging device mounted thereon in the container stand (figure 1, reference 3; defining antennae side to be front side; column 4, lines 20-37)
- {claim 9} wherein the charging device is provided with a portion to hide the DC jack for input use for the image forming apparatus, and when the image forming apparatus having the charging device mounted thereon is contained in the container stand, the structural portion of the container stand covers the jack for

DC input use of the charging device (figure 1-2, reference 3 represents DC jack; notice DC jack is hidden when placed in charging stand 8)

- {claim 10} wherein the battery is incorporated in the image forming apparatus, and the charging means is incorporated in the container stand, and the battery is charged when the image forming apparatus is contained in the container stand (column 2, lines 30-67)
- {claim 16} wherein the indication means for showing the charging condition of the battery is recognizable even when the image forming apparatus is contained in the container stand in any direction, forward or backward, and the contact point portion and the contact terminal portion are electrically connectable (figure 4, reference 8; column 5, line 51-column 6, line 11)

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando (US Pat 6742887) in view of Saji (US Pat 5479486).

Ando discloses, with respect to claims 6-8 and 12-15, an image forming apparatus (as applied to claims 1-5, 9-11, and 16 above).

Ando differs from the claimed invention in that it does not disclose:

- {claims 6 and 12} wherein the contact point portion of the charging device, and the contact terminal portion of the container stand are arranged in the central portion of the connecting surface of the charging device and the container stand, respectively, and are in a symmetrical mode
- {claims 7 and 13} wherein the cradle is provided with a shutter mechanism for protecting the contact terminal portion, and the shutter mechanism retracts by containing the image forming apparatus having the charging device mounted thereon in the container stand
- {claim 8} wherein the load required for pressurizing the contact terminal portion to be in contact and retracting the shutter mechanism is smaller than the weight of the charging device alone
- {claim 14} wherein the load required for pressurizing the contact terminal portion to be in contact and retracting the shutter mechanism is smaller than the weight of the image forming apparatus
- {claim 15} wherein either the charging device or the image forming apparatus is provided with indication means for showing the charging condition of the battery, and the indication means is structured to be recognizable even when the image forming apparatus is contained in the container stand

Saji discloses:

- {claims 6 and 12} wherein the contact point portion of the charging device, and the contact terminal portion of the container stand are arranged in the central

portion of the connecting surface of the charging device and the container stand, respectively, and are in a symmetrical mode (figure 4, reference 1, 6)

- {claims 7 and 13} wherein the cradle is provided with a shutter mechanism for protecting the contact terminal portion, and the shutter mechanism retracts by containing the image forming apparatus having the charging device mounted thereon in the container stand (figure 4, reference 1, 6; column 4, lines 32-39)
- {claim 14} wherein the load required for pressurizing the contact terminal portion to be in contact and retracting the shutter mechanism is smaller than the weight of the image forming apparatus (column 4, lines 32-39)
- {claim 15} wherein either the charging device or the image forming apparatus is provided with indication means for showing the charging condition of the battery, and the indication means is structured to be recognizable even when the image forming apparatus is contained in the container stand (figure 4, reference 8)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Saji into the invention of Ando et al. The motivation for the skilled artisan in doing so is to gain the benefit of having a compact aesthetically pleasing charging stand. The combination naturally suggests that the load required for pressurizing the contact terminal portion to be in contact and retracting the shutter mechanism is smaller than the weight of the charging device alone (because the weight of the charging device is inherently larger than the weight of the image forming apparatus/phone being

charged. If this were not the case, the stand would not be able to support the weight of the image forming apparatus(phone).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ando (US Pat 6742887) in view of Silverbrook et al (US Pat 6290349).

Ando discloses, with respect to claim 17, an image forming apparatus (as applied to claims 1-5, 9-11, and 16 above).

Ando differs from the claimed invention in that it does not disclose wherein a recording sheet supply tray dually functioning as a cover capable of being open and closed with respect to the image forming apparatus is structured not to open when the image forming apparatus is contained in the container stand.

Silverbrook et al discloses wherein a recording sheet supply tray dually functioning as a cover capable of being open and closed with respect to the image forming apparatus is structured not to open when the image forming apparatus is contained in the container stand (figure 3, reference 607; when phone is in normal closed position).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Silverbrook into the invention of Ando. The motivation for the skilled artisan in doing so is to gain the benefit of having a media pack so that sheets don't have to be individually loaded to the printer assembly.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ando (US Pat 6742887) in view of Bork (US Pat 6255800).

Ando discloses, with respect to claim 18, an image forming apparatus (as applied to claims 1-5, 9-11, and 16 above).

Ando differs from the claimed invention in that it does not disclose wherein the image forming apparatus can be contained in the container stand in the status having an I/F cable connected thereto.

Bork discloses wherein the image forming apparatus can be contained in the container stand in the status having an I/F cable connected thereto (figure 17).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Bork into the invention of Ando. The motivation for the skilled artisan in doing so is to gain the benefit of being able to receive and transmit information to a computer.

#### *Response to Arguments*

Applicant's arguments filed 05/27/05 have been fully considered but they are not persuasive.

The applicant states that "the battery is charged by containing the image forming apparatus in a container stand when not used, and the battery is chargeable if the image forming apparatus is contained in the contact stand in a predetermined direction or in a direction opposite to the predetermined direction."

The applicant then argues, "To the contrary, Ando discloses a portable electric device having a battery and a charger stand." The examiner is not sure how what Ando discloses is "to the contrary". The applicant does not give any explanation as to how or why Ando does not read

on the claimed invention. From the examiner's perspective, Ando does read on the claimed invention (as shown in the above rejection). In fact, the fact that Ando is directed to a electric device having a battery and a charger stand seems to naturally lend itself to the claimed invention. The examiner is not sure what the applicant's argument is. The applicant's argument claims that Ando and the other cited references do not disclose or suggest that "the battery is charged by containing the image forming apparatus in the container stand when not used, and wherein the battery is chargeable if the image forming apparatus is contained in the container stand in a predetermined direction or in a direction opposite to the predetermined direction." However, as shown in the above rejection, Ando does disclose that limitation. The applicant is required to demonstrate why and how it is believed the examiner's rejection is in error rather than just stating that it is.

With respect to Bork, the applicant argues, "it does not teach or suggest that the printer is not contained in the stand in a condition that the printer is connected to the I/F cable." However, Bork was only used to reject claim 18 and the language of claim 18 simply states "wherein said image forming apparatus can be contained in said container stand in the status having an I/F cable connected thereto." It does not state, "the printer is not contained in the stand in a condition that the printer is connected to the I/F cable," as asserted by the applicant. Thus the applicant's arguments are moot.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard S. Liang whose telephone number is (571) 272-2148. The examiner can normally be reached on 8:30-5 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

07/27/05  
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8/21/05  
**MANISH S. SHAH**  
**PRIMARY EXAMINER**